

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LANE CHARLIE TOM,

Case No. 3:22-cv-00061-MMD-CLB

Petitioner,

ORDER

v.

THE STATE OF NEVADA, *et al.*,

Respondents.

This habeas matter is before the Court on Petitioner Lane Charlie Tom's failure to comply with the Court's Order. (ECF No. 3.)

Petitioner initiated this case by submitting a "petition for rehearing pursuant to F.R. Civ. P. 60(b)" (ECF No. 1-1) on February 2, 2022, but he did not pay the five-dollar habeas filing fee or file an application to proceed *in forma pauperis* ("IFP") for incarcerated litigants. See 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2. On February 18, 2022, the Court ordered Petitioner to either pay the \$5 filing fee or submit a complete IFP application with all required attachments within 45 days. (ECF No. 3.) The Court also ordered Petitioner to file an amended petition on this Court's form within 45 days. (*Id.*) Petitioner was warned that a failure to comply by filing an amended petition and either (a) submitting a complete IFP application or (b) paying the filing fee would "result in the dismissal of this action without prejudice and without further advance notice." (*Id.*)

This Court's February 18, 2022, order was returned as undeliverable with a notation that Petitioner had been relocated to Warm Springs Correctional Center. (ECF No. 4.) On April 13, 2022, this Court (1) directed the Clerk to send Petitioner a courtesy copy of the February 18, 2022, order, including its attachments, at Warm Springs Correctional Center, (2) extended the 45-day deadline to comply with the requirements

1 of the February 18, 2022, order to May 31, 2022, and (3) ordered Petitioner to update his
2 address. (ECF No. 5.)

3 To date, Petitioner has not filed a completed IFP application, paid the \$5 filing fee,
4 filed an amended petition, updated his address, requested an extension of time, or taken
5 any other action to prosecute this case.

6 It is therefore ordered that this action is dismissed without prejudice based on
7 Petitioner's failure to comply with the Court's Order (ECF No. 3) or the Local Rules of
8 Practice.

9 It is further ordered that Petitioner is denied a certificate of appealability, as jurists
10 of reason would not find dismissal of the petition for the reasons stated herein to be
11 debatable or wrong.

12 It is further ordered that the Clerk of Court is instructed to add Nevada Attorney
13 General Aaron D. Ford as counsel for Respondents. No response is required from
14 Respondents other than to respond to any orders of a reviewing court.

15 It is further ordered that, pursuant to Rule 4 of the Rules Governing Section 2254
16 Cases, the Clerk of Court will file the Petition (ECF No. 1-1) and informally serve the
17 Nevada Attorney General with the petition and this order by sending a notice of electronic
18 filing to the Nevada Attorney General's office.

19 The Clerk of Court is further directed to enter final judgment accordingly,
20 dismissing this action without prejudice, and close this case.

21 DATED THIS 2nd Day of June 2022.

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24 MIRANDA M. DU
25 CHIEF UNITED STATES DISTRICT JUDGE
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